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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/726,395	12/01/2000	David Neil Slatter	1509-132	1288

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EXAMINER

HENN, TIMOTHY J

ART UNIT	PAPER NUMBER
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2612

DATE MAILED: 01/26/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/726,395

Applicant(s)

SLATTER, DAVID NEIL

Examiner

Timothy J Henn

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 07 September 2004.
- 2a) ☒ This action is FINAL. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-44 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1,3-17,19,20,22,23 and 30-44 is/are allowed.
- 6) ☒ Claim(s) 2,18,21 and 24 is/are rejected.
- 7) ☒ Claim(s) 25-29 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 07 September 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***Response to Arguments***

1. Applicant's arguments, see amendment, filed 07 September 2004, with respect to claims 1-23 has been fully considered and are persuasive. The rejection of claims 1-23 has been withdrawn.

### ***Drawings***

2. The drawings were received on 07 September 2004. These drawings are acceptable and overcome the previous objection to the drawings.

### ***Specification***

3. The substitute specification overcomes all previous objections to the specification and is acceptable. The substitute specification has been entered.

### ***Claim Rejections - 35 USC § 112***

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. Claim 2 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

**[claim 2]**

Claim 2 requires that "the first portion does not contain a reflected image of the first light source and the second portion does not contain a reflected image of the second light source". However, it is unclear from claim 2 whether the "first portion" and "second portion" refer to the portions of the illuminated document or the portions of the imaging detector.

6. Claims 18 and 21 rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

**[claim 18]**

Claim 18 recites the limitations "the first light source" and "the second light source". There is insufficient antecedent basis for this limitation in the claim.

**[claims 18 and 21]**

Claims 18 and 21 recite the limitation "eliminated document". There is insufficient antecedent basis for this limitation in the claims. The examiner suggests changing "eliminated document" to "illuminated document".

***Claim Rejections - 35 USC § 103***

7. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claim 24 is rejected under 35 U.S.C. 103(a) as being unpatentable Pelsue et al. (US 6,633,338).

**[claim 24]**

Regarding claim 24, Pelsue discloses a method of capturing an image (Abstract) comprising: sequentially illuminating the image with optical energy from first and second directions (e.g. Figure 4, Items 42 and 44), detecting only a first portion of the reflected image at a first image sensing region (i.e. Figure 4, Item 30) in response to the image being illuminated from the first direction (i.e. first light source), detecting only a second portion of the reflected image at a second image sensing region (i.e. Figure 4, Item 30; the examiner notes that no requirements for the first and second "image sensing regions" to be different) in response to the image being illuminated from the second direction (i.e. second light source). However, Pelsue does not specifically disclose combining the first and second images together in substantially the same special relationship as the image. The examiner give Official Notice that the combining of multiple portions of a scene into a single image is notoriously well known in the art to create large images of enhanced resolution. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the multiple portions of the workspace of Pelsue to create a single large image of the workspace of high resolution. Since Pelsue deactivates light sources which cause specular reflection during the capture of the individual image portions, the combined image would inherently not be present.

***Allowable Subject Matter***

8. Claims 1-23 and 25-44 allowed, although the allowance of the claims may be revisited upon any amendments made to overcome 35 USC §112 Second Paragraph rejections.

9. The following is a statement of reasons for the indication of allowable subject matter:

**[claims 1-16]**

Regarding claims 1-16, the prior art does not teach or fairly suggest a digital camera including first and second light sources and an imaging detector arranged in first and second portions wherein a controller controls the imaging detector such that only a first portion of a document illuminated by the first light source is captured during a first image capturing operation and only a second portion of a document illuminated by the second light source is captured during a second image capturing operation, and a processor for combining the first and second captured images into a final image as claimed.

**[claims 17-21]**

Regarding claims 17-21, the prior art does not teach or fairly suggest a method of obtaining an image of a document comprising the steps of illuminating the document in first and second image capture operations, exposing only a first portion and a second portion of an imaging detector to said illuminated document in the first and second image capture operations respectively and processing the resulting first and second

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images to obtain a final image as claimed.

**[claims 22 and 23]**

Regarding claims 22 and 23, the prior art does not teach a stand with a flash and controller which controls a camera flash and the stand flash as claimed.

**[claims 30-39]**

Regarding claims 30-39, the prior art does not teach or fairly suggest an apparatus for capturing an image comprising an optical energy source for sequentially illuminating an image from first and second directions, first and second image sensing regions at different locations, a controller for causing only the first image sensing region to detect a first portion of an image illuminated by light from a first direction and for causing only the second image sensing region to detect a second portion of an image illuminated by light from a second direction and combining the resulting first and second images into a final image as claimed.

**[claims 40-44]**

Regarding claims 40-44 the prior art does not teach or fairly suggest an apparatus for capturing an image comprising first and second image sensing regions on first and second sides of an optical axis respectively, first and second optical sources for sequentially illuminating the image being respectively located on first and second sides of the optical axis, a controller for causing only the first image sensing region to detect a first portion of an image illuminated by light from a first direction and for causing only the second image sensing region to detect a second portion of an image illuminated by light from a second direction and combining the resulting first and second images into a final

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image as claimed.

10. Claims 25-29 objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

**[claims 25 and 26]**

Regarding claims 25 and 26, the prior art does not teach or fairly suggest an imaging device with first and second regions on opposite sides of an optical axis intersecting the image and illuminating the image from first and second directions on opposite sides of the optical axis, wherein the detection step of only the first or second portion of the reflected image being performed only while the image illuminated from the first or second direction respectively as claimed.

**[claims 27-29]**

Regarding claims 27-29, the prior art does not teach or fairly suggest a combining step performed by transferring first image data from only a first portion of an imaging device to a memory and transferring second image data from only a second portion of an imaging device to memory as claimed.

***Conclusion***

11. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP



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§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Timothy J Henn whose telephone number is (703) 305-8327 or (571) 272-7310 after 28 February 2005. The examiner can normally be reached on M-F 9:00 AM - 6:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wendy R Garber can be reached on (703) 305-4929. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

TJH  
1/23/2005



TUAN HO  
PRIMARY EXAMINER